



Town of Vinton Planning and Zoning

Proposed Homestay Regulations



INTRODUCTION TO HOMESTAYS

The use of short-term rental units (or homestays) is continuing to grow across the United States and the world as individuals seek alternative options of lodging when traveling and vacationing. The main draw of these lodging opportunities includes their affordability, uniqueness, locations, and convenience. Unlike the typical hotel or bed and breakfast, these rental units are housed within the homes, accessory dwelling units, etc. of individuals who can utilize these spaces for secondary means of income. Despite the mass appeal of these online platforms and the convenience they bring to guests and hosts alike, local governments must provide standards and regulations in order to promote equity among businesses, protect public health and safety, and effectively provide enforcement to preserve the residential character of their neighborhoods. As shown in Appendix 1 of this memorandum, the homestay ordinances from various localities differ in many ways as they seek to tailor these regulations to match the demands and needs of their respective jurisdiction.

REGISTRATION REQUIREMENTS

First and foremost, the capability and level of enforcement is a major function that a locality should analyze for issuing any form of restriction within their ordinance. Some localities have an annual registration requirement with the dual purpose of verifying the applicant's credentials to have this use and collect information for tax purposes. The registration process ensures that the dwelling unit is located on the property that is the principal residence of the property owner. It also allows localities to track the collection of a transient lodging tax from these property owners through various physical and/or digital means. The lodging tax promotes fairness within this specific industry by requiring these entities to not be exempted from the taxes that bed and breakfast establishments, hotels, motels, etc. have to pay regularly in their operations.

RECOMMENDED REGISTRATION REQUIREMENTS

- No host occupant shall operate a homestay or advertise a residential property for homestay use without first registering and obtaining a permit for homestay with the town.
- The host occupant shall register with the department of finance to collect and remit the town's transient lodging tax and other applicable fees and taxes as set forth in chapter 86, taxation.
- The registration shall be valid from January 1st (or from whatever date the registration first occurs) through December 31st of the calendar year, and shall be renewed annually.

USE REGULATIONS

The use regulations attached to these homestays serve the purpose of ensuring that the residential character of neighborhoods are preserved and the original intentions of these business ventures as short-term rentals are upheld.

RECOMMENDED USE REGULATIONS

- The dwelling shall be the principal residence of the host occupant.
 - **Justification:** Some localities in the Commonwealth restrict the total number of rental days in a calendar year due to their proximity to major entertainment venues, collegiate institutions, etc. Although there are minimum and maximum day limits placed on individual stays, staff do not find it practical to place a maximum number on total number of rental days in a calendar year.
 - **Definition of *principal residence*:** “Principal residence means a person's principal home and domicile. If a person maintains more than one residence, their principal residence, for the purpose of this Appendix, shall be the residence where they live for more than half of the calendar year. However, if (1) the person owns another dwelling unit that is not licensed for long term rental; (2) the person's spouse or domestic partner has a different principal residence; (3) the person's driver's license, voter registration or any dependent's school registration shows a different residence address; or (4) the Roanoke County Assessor lists a mailing address from the dwelling unit address, it shall be presumed that the dwelling unit in question is not a principal residence. Provided, however, no presumption shall apply in any criminal proceeding.”
- Rooms shall be rented only on a daily or weekly basis. Stays shall not exceed fourteen (14) days. The minimum contract rental period for the guest party shall be 24 hours.
 - **Justification:** Maintains the original purpose of these stays being short term and does not allow a landlord-tenant relationship to be created.
- The maximum number of adult guests in a homestay unit is limited to six (6) and no more than five (5) sleeping rooms can be utilized during any one stay.
- The principal guest of a homestay unit shall be at least eighteen (18) years of age.
- The name and telephone number of the host or the host's designee shall be conspicuously posted within the homestay unit. The host shall answer calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short term rental to address any problems associated with the homestay unit.
 - **Justification:** Use regulations can also include limitations on the number of occupants per visit and factors related to communication and accountability. Accountability is of the utmost importance when contriving these regulations, as it ensures that both hosts and guests are held responsible for the actions and potential nuisances that occur on the property. In light of this, some jurisdictions have an age limit and require the hosts to be available to address complaints and concerns of the guest and/or locality on a 24/7 basis. The occupancy restrictions of these

benchmarked localities range from 4 to 8 guests, which also addresses safety concerns related to variable fire risks.

- The garbage and recycling collection schedule and guidelines shall be posted in a prominent location inside the dwelling.
- No recreational vehicles, buses, watercraft, personal utility trailers, or recreational equipment trailers shall be parked on the adjoining street or on the property in conjunction with the homestay use.
- No outdoor signs in conjunction with the homestay shall be displayed on the property
 - **Justification:** The regulation that most jurisdictions share includes the prohibition of signage advertising the homestay unit on the property. This regulation coincides with the current signage ordinance revisions.

SAFETY REGULATIONS

Although these dwelling units serve a purpose of lodging, not all residential properties are set up in a way that promotes safety and welfare. In comparison to hotel establishments, these dwelling units will pale in comparison to the building and fire code restrictions they must follow. However, these regulations ensure a level of safety precautions and set the precedent for the protection of life and property. Potential safety measures include requiring for an appropriate means of ingress/egress in a unit, working smoke and carbon monoxide detectors, fire extinguishers in the kitchen, and more devices that help save lives in times of emergency.

RECOMMENDED SAFETY REGULATIONS

- There shall be a working fire extinguisher located in the kitchen.
- The unit shall have smoke alarms and carbon monoxide detectors meeting current Underwriters Laboratory standards installed as follows:
 - In all sleeping areas.
 - In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
 - In each story within the sleeping unit, including basements.
- Any sleeping area must have one (1) other adequate method of egress beyond the entrance point.
- As part of the registration process, the host shall certify that the homestay unit meets the requirements of this section. The registration forms shall also provide that, as part of the registration, the host is agreeing to permit inspections of the home (at reasonable times and after notice has been provided) to address complaints. The failure to permit such an inspection is grounds for registration suspension.

REGISTRATION SUSPENSION AND CANCELLATION

The final section of a homestay ordinance is necessary for all regulations, which includes the level and mechanism for penalties to be imposed on property owners who are noncompliant with these provisions.

RECOMMENDED PROVISIONS FOR SUSPENSION

- A registration may be suspended or cancelled for the following reasons:
 - Failure to collect and/or remit the transient occupancy tax.
 - Three or more substantiated complaints within a 12-month period for violations of the Vinton Town Code or the use regulations and safety regulations outlined in this section.
 - The failure of any homestay host to maintain his or her principal place of residence or domicile at the dwelling unit used as a limited residential lodging.
- Before any suspension or cancellation can be effective, a duly designated officer of the town shall give written notice to the homestay host. The notice of suspension or cancellation issued under the provisions of this chapter shall contain:
 - A description of the violations constituting the basis of the suspension or cancellation;
 - If applicable, a statement of acts necessary to correct the violation; and
 - A statement that if no request for a hearing is made within ten (10) days from the date of the notice, the registration will be suspended or cancelled;
- The notice shall be given to the host by delivering a copy of the notice in person. If the host cannot be found, such notice shall be sent by:
 - Certified mail or e-mail to the addresses in the registration form; and
 - A copy of the notice shall be posted in a conspicuous place on the premises.
- If requested, a hearing shall be held before the town manager or the town manager's designee. It is the burden of the host to demonstrate, by a preponderance of the evidence, why the suspension or cancellation should not go into effect. The decision of the town manager or designee may be appealed to the town council.
- It shall be unlawful to operate a homestay without registering as required by this article, after a registration has been suspended or cancelled or in violation of any other requirement of this article; the penalty shall be a fine of one thousand dollars (\$1,000.00) per occurrence.

CONCLUSION

Homestay dwelling units will continue to be utilized by individuals across the country as it grows in popularity and demand. Localities must be proactive in preparing a section of their ordinances that addresses all the concerns and issues that may arise from these operations. If a locality has an existing homestay ordinance and tax collection system that can be enforced and operated, they will have the legal, operational, and political ability to effectively manage these new enterprises.

APPENDIX 1

DEFINITIONS

Blacksburg, VA: Homestay means the accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended for short term transient rental purposes in exchange for a charge for the occupancy. The primary use of the homestay unit shall remain residential. For each booking transaction, all applicable taxes must be collected and remitted to the town as required by chapter 22 by either the host or the associated hosting platform. Such accessory or secondary use shall not create a landlord/tenant relationship.

Christiansburg, VA: Homestay means an accessory use to a dwelling where the host occupant offers their primary residence or a portion thereof to a guest party for short-term occupancy for compensation in accordance with Sec. 42-664.

Roanoke City, VA: Homestay: An establishment that offers for compensation a portion of any dwelling unit for overnight stays to guests, and not meeting the definition of a bed and breakfast.

IMPORTANT FACTORS DIAGRAM

Regulations	Blacksburg	Christiansburg	Roanoke City
Registration Requirements			
Registration with the locality each calendar year.	X	X	
Collection of transient lodging tax	X	X	X
Primary residence of the property owner	X	X	X
Use Regulations			
Limitations on the total number of rental days in a year	X		
No signs advertising the homestay unit on property	X	X	X
Exterior changes to the building must maintain the character of the building			X
Restriction on additional services (food/beverage) provided by host		X	
Use of accessory structures for living accommodations			

Minimum rental period restriction of 24 hours	X	X	X
No recreational vehicle, buses, or trailers parking in conjunction with use	X	X	
Prominent posting of garbage guidelines for guests	X	X	
Owner or leaseholder must occupy dwelling unit during stays			X
Contact information of host posted with 24/7 availability required	X		
Each stay shall not exceed fourteen (14) days			X
The principal guest must be at least eighteen (18) years of age	X		
No more than two (2) bedrooms for guests			X
Occupancy restrictions include:	6 adults	2 families/ 8 occupants	4 total guests